

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 26, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KEVIN JAMES LEOPARD,

Petitioner,

v.

ATTORNEY GENERAL ROBERT
FERGUSON and CHIEF SCOTT
SOUZA,

Respondents.

NO: 4:20-CV-5088-RMP

ORDER SUMMARILY DISMISSING
HABEAS ACTION

By Order filed July 22, 2020, the Court granted Petitioner leave to proceed *in forma pauperis* and directed him to show cause why his *pro se* Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 should not be dismissed due to Petitioner's failure to exhaust state court remedies and as a proper exercise of abstention under *Younger v. Harris*, 401 U.S. 37 (1971). ECF No. 5. Petitioner filed this action as a pretrial detainee at the Benton County Jail. Petitioner did not comply with the Court's directive to show cause and has not filed anything further in this action.

ORDER SUMMARILY DISMISSING HABEAS ACTION -- 1

1 For the reasons set forth above and in the Order to Show Cause, ECF No. 5,
2 the Court finds it appropriate to dismiss this action without prejudice for failure to
3 exhaust state court remedies. Because it appears that Petitioner is not entitled to
4 relief in this Court at this time, **IT IS ORDERED** that the petition, **ECF No. 1**, is
5 **DISMISSED** pursuant to Rule 4, Rules Governing Section 2254 Cases in the
6 United States District Courts.

7 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
8 Order, enter judgment, provide copies to Petitioner, and close the file. The Court
9 certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could
10 not be taken in good faith, and there is no basis upon which to issue a certificate of
11 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of
12 appealability is therefore **DENIED**.

13 **DATED** August 26, 2020.

14
15 *s/ Rosanna Malouf Peterson*
16 ROSANNA MALOUF PETERSON
17 United States District Judge
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